

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Steve W. Braun, *et al.* CONFIRMATION NO.: 5231  
SERIAL NO.: 09/820,973 GROUP ART UNIT: 2883  
FILED: March 29, 2001 EXAMINER: Wong, Eric  
FOR: OPTICAL TRANSPORT SYSTEM

ATTORNEY DOCKET NO.: 50777/251099

DATE: 5/15/09

Mail Stop Issue Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR ISSUANCE OF INITIALED FORM PTO/SB/08**

Sir:

On April 11, 2005, Applicants submitted to the U.S. Patent and Trademark Office (the "USPTO") a Supplemental Information Disclosure Statement, one sheet of Form PTO/SB/08, and three publications to be considered in the above-referenced patent application. Copies of the Supplemental Information Disclosure Statement and one sheet of Form PTO/SB/08 together with the USPTO stamped acknowledgment of receipt on April 13, 2005 are attached.

On August 31, 2005, Applicants submitted to the USPTO a Supplemental Information Disclosure Statement, one sheet of Form PTO/SB/08, and eight publications to be considered in the above-referenced patent application. Copies of the Supplemental Information Disclosure Statement and one sheet of Form PTO/SB/08 together with the USPTO stamped acknowledgment of receipt on September 2, 2005 are attached.

Applicants have not received these copies of the Form PTO/SB/08 initialed by the Examiner. Applicants request that the USPTO consider the publications cited on the attached Forms PTO/SB/08 and provide the initialed copies.

The Commissioner is authorized to charge any fees due in connection with this filing to Deposit Account No. 11-0855

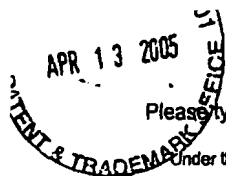
If there are any matters that can be addressed by telephone, the Examiner is urged to contact the undersigned attorney at 404.815.6500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Turton', written over the printed name.

Michael J. Turton  
Reg. No. 40852

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia, 30309-4530  
404 815 6500 (phone)  
404.815.6555 (fax)



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | <b>Application Number</b>     | 09/820,973     |
|  | <b>Filing Date</b>            | March 29, 2001 |
|  | <b>First Named Inventor</b>   | Steve W. Braun |
|  | <b>Group Art Unit</b>         | 2883           |
|  | <b>Examiner Name</b>          | Eric K. Wong   |
| <b>Total Number of Pages in This Submission</b>  | <b>Attorney Docket Number</b> | 50777/251099   |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Response<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>1. Form PTO/SB/08 (one sheet)<br>2. USP No. 5,283,687<br>3. USP No. 5,392,154<br>4. 5,623,169 |
| <b>Remarks</b>   |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                    |
|--|------------------------------------|
| Firm or Individual name                    | Michael J. Turton, Reg. No. 40,852 |
| Signature                                  |                                    |
| Date                                       | April 11, 2005                     |

| CERTIFICATE OF MAILING   |              |      |                |
|--|--------------|------|----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on the date listed below. |              |      |                |
| Typed or printed name  | Gina Hamrick |      |                |
| Signature  |              | Date | April 11, 2005 |

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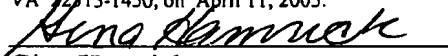


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Steve W. Braun  
SERIAL NO.: 09/820,973 GROUP ART UNIT: 2883  
FILED: March 29, 2001 EXAMINER: Wong, Eric K.  
FOR: OPTICAL TRANSPORT SYSTEM

ATTORNEY DOCKET NO.: 50777/251099

I hereby certify that this correspondence is being deposited with the United States Postal Service as certified first class mail in an envelope addressed to: Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22213-1450, on April 11, 2005.

  
Gina Hamrick

MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the modified Form PTO/SB/08 are enclosed with this submission for consideration by the Examiner.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(e)(2).

The undersigned states that no item of information contained in this paper was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, no item of information was known to any individual designated in §1.56(c) more than three months from filing this paper. Therefore, no fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Turton', is written over a horizontal line.

Michael J. Turton  
Reg. No. 40,852

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Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
(404) 815-6061

APR 13 2005

PTO/SB/08A (10-01)

Van Zile, et al. Approved for use through 10/31/2002. OMB 0651-0031  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

|                        |                |
|------------------------|----------------|
| Application Number     | 09/820,973     |
| Date Filed:            | March 29, 2001 |
| First Named Inventor   | Steve W. Braun |
| Group Art Unit         | 2883           |
| Examiner Name          | Wong, Eric K.  |
| Attorney Docket Number | 50777/251099   |

| Examiner<br>Initials * | Cite No. <sup>1</sup> | Document Number                               | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of<br>Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|------------------------|-----------------------|---|--------------------------------|--|---|
|                        |                       | Number - Kind Code <sup>2</sup> (if<br>known) |                                |  |   |
|                        |                       | 5,283,687                                     | 02/01/1994                     | Hsu, et al.  |   |
|                        |                       | 5,392,154                                     | 02/21/1995                     | Lin, et al.  |   |
|                        |                       | 5,623,169                                     | 04/22/1997                     | Sugimoto, et al.                                   |   |
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**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials * | Cite No. <sup>1</sup> | Foreign Patent Document  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns,<br>Lines, Where<br>Relevant<br>Passages or<br>Relevant Figures<br>Appear | T <sup>6</sup> |
|------------------------|-----------------------|--|--------------------------------|---|--|----------------|
|                        |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if<br>known) |                                |   |  |                |
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**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of<br>the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue<br>number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|------------------------|--------------------------|---|----------------|
|                        |                          |   |                |

Examiner  
Signature

Date

Considered

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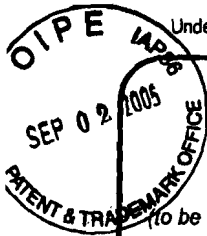
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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## TRANSMITTAL FORM

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|   |                               |                |
|---|-------------------------------|----------------|
| <b>Application Number</b>                       | 09/820,973                    |                |
|   | <b>Filing Date</b>            | March 29, 2001 |
|   | <b>First Named Inventor</b>   | Steve W. Braun |
|   | <b>Group Art Unit</b>         | 2883           |
|   | <b>Examiner Name</b>          | Wong, Eric K.  |
| <b>Total Number of Pages in This Submission</b> | <b>Attorney Docket Number</b> | 50777/251099   |

### ENCLOSURES (check all that apply)

|   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. Form PTO/SB/08 (one sheet)<br>2. 08 publications<br>3. Form PTO 2038 |
| <b>Remarks</b>  |   |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                    |
|-------------------------|------------------------------------|
| Firm or Individual name | Michael J. Turton, Reg. No. 40,852 |
| Signature               |                                    |
| Date                    | 8-30-05                            |

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|                       |                |      |         |
|-----------------------|----------------|------|---------|
| Typed or printed name | Colleen Kadian |      |         |
| Signature             |                | Date | 8-31-05 |

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SERIAL NO.: 09/820,973

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This Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(c), before the mailing date of any action which closes prosecution. The Commissioner is authorized



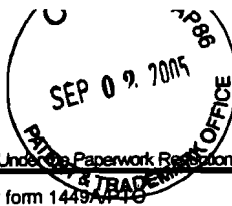
to charge our credit card for the fee in the amount of \$180.00 for consideration of this paper. If any additional fee is due, the Commissioner is authorized to charge such fee or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

### Complete if Known

|                        |                |
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|------------------------|-----------------------|---|--------------------------------|--|---|
|                        |                       | Number - Kind Code <sup>2</sup> (if<br>known) |                                |  |   |
|                        |                       | 5,434,861                                     | 07/18/1995                     | Pritty, et al.                                     |   |
|                        |                       | 5,517,622                                     | 05/14/1996                     | Ivanoff, et al.                                    |   |
|                        |                       | 5,732,086                                     | 03/24/1998                     | Liang, et al.                                      |   |
|                        |                       | 5,898,673                                     | 04/27/1999                     | Riggan, et al.                                     |   |
|                        |                       | 6,084,233                                     | 07/04/2000                     | Hodgson, et al.                                    |   |
|                        |                       | 6,385,366 B1                                  | 05/07/2002                     | Lin  |   |
|                        |                       | 2002/0044565 A1                               | 04/18/2002                     | Park   |   |
|                        |                       | 6,912,339 B2                                  | 06/28/2005                     | Whittaker  |   |

### FOREIGN PATENT DOCUMENTS

| Examiner<br>Initials * | Cite No. <sup>1</sup> | Foreign Patent Document  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns,<br>Lines, Where<br>Relevant<br>Passages or<br>Relevant Figures<br>Appear | T <sup>3</sup> |
|------------------------|-----------------------|--|--------------------------------|---|--|----------------|
|                        |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if<br>known) |                                |   |  |                |
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|                        |                       |  |                                |   |  |                |

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of<br>the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue<br>number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|------------------------|--------------------------|---|----------------|
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